

McLane News

MARCH 2010

Kate Vaughn Named To 40 Under Forty



Cathryn E. Vaughn

McLane Attorney **Cathryn (Kate) E. Vaughn** has been named to the Manchester Union Leader's "40 Under Forty" list for 2010. The 40 Under Forty is a list of forty of New Hampshire's best and brightest citizens, all under the age of 40. In addition to being a member of McLane's Litigation Department, Kate is a member of the Manchester School Board, representing Ward 5, and a member of the Board of Trustees of the Derryfield School, her alma mater.

In being named as one of New Hampshire's 40 Under Forty, Kate joins a number of other McLane attorneys who have been named to the list in prior years, including Daniel J. Norris, Chair of McLane's Corporate Department, Mark A. Wright, Chair of McLane's Intellectual Property Group, John E. Hughes, a Director and member of McLane's Trust and Estates Department, and Jennifer L. Parent, a Director and member of McLane's Litigation Department.

McLane Attorneys Honored for Public Service by the New Hampshire Bar Association

Three McLane attorneys and a McLane paralegal received awards at the 2010 Midyear Meeting of the New Hampshire Bar Association in recognition of their outstanding pro bono contributions to the public. For his career-long dedication to public service and more than 50 years of inspiration to the legal profession, the Bar Association awarded its Distinguished Service to the Public Award to **Jack B. Middleton**, President of the firm and Senior Member of McLane's Litigation Department. McLane attorney **Beth L. Fowler** received a Pro Bono Program Award for her work for the Low Income Taxpayer Project. McLane attorney **Eric M. Sommers** received a Pro Bono Program Award for his work in connection with the DOVE Project. McLane paralegal **Mary Jo Herman** received the Bar Association's Pro Bono Coordinator Award.



Jack B. Middleton

"McLane has a deeply rooted and nearly century-old commitment to giving back and making a difference in the communities where our attorneys and staff live and work," said Gregory Smith, McLane's Managing Director. "We express our sincere gratitude to all those at this firm who have contributed in one way or another to making legal services available to those who need but cannot afford them."

In 2009, McLane attorneys volunteered over 1,700 hours of pro bono time. The firm encourages its attorneys to devote at least 30-50 hours of volunteer or pro bono time annually to represent those who cannot afford legal representation.

Employees' Use of Smartphone Technology After Hours



Adam M. Hamel

These days, BlackBerrys®, iPhones® and other "smartphones" seem to be everywhere. It's not uncommon for employers to provide employees with smartphones to make staying connected with the office a lot easier ... maybe too easy. Some smartphone users become "addicted" to constantly checking their messages. And some employers take advantage of having their workers available no matter what time it is and no matter where their employees are, whether at their kids' soccer games or on vacation.

All this convenience may come at a price. Under New Hampshire and federal law, "non-exempt" employees—non-managerial employees who are paid by the hour—must be compensated for all the time they work. The law is still catching up to the new smartphone technology, but many attorneys are advising employers that hourly employees must be compensated for work use of their smartphones when the employees are "off the clock."

(Continued on page 2)

Employees' Use of Smartphone Technology After Hours (Continued from page 1)

A number of class action lawsuits, including a suit against T-Mobile, are working their way through the court system. The T-Mobile lawsuit involves claims for overtime pay by hourly workers who were required to use company-issued smartphones outside their usual working hours. In the case, T-Mobile hourly employees have claimed that they were required to answer emails, text messages and phone calls from co-workers and customers during their off-hours. These employees have alleged that when they complained to their bosses, they were told there was nothing that could be done. Off-hour smartphone contact was just part of the company's standard business practice.

Until the law in this area is clear, attorneys are counseling employers to think carefully before giving smartphones to their employees. The safest approach is to give smartphones only to exempt employees—salaried, managerial employees. When employers do decide to give smartphones to non-exempt employees, lawyers are suggesting that the employers implement clear policies for the use of the devices to ensure that employees are being appropriately compensated for time worked. For example, employers may require that employees leave the devices at the office when they leave for the day, or may instruct employees to use the devices after-hours only when specifically instructed to do so, and to track the time spent using the smartphone.

If you have questions about the use of smartphone technologies at work, please contact Adam Hamel, a member of McLane's Employment Law Practice Group, at 603.628.1189 or adam.hamel@mclane.com.



Upcoming Events



Tue., March 16, 2010 - "**Closely Held Businesses: Agreements Among Owners and Managers**," sponsored by the McLane Law Firm, will be held at the McLane Law Firm in Manchester, NH. McLane attorneys **Wilbur Glahn**, **Richard Samuels** and **Cameron Shilling** will be the presenters. For more information or to register, contact Heather Wolcott at heather.wolcott@mclane.com or (603) 628-1482.

Fri., March 19, 2010 - "**New Hampshire Not-For-Profit Corporations & Associations**," sponsored by the NH Bar Association, will be held from 9:00 a.m. to 4:30 p.m. at the NH Bar Association Seminar Room in Concord, NH. McLane attorneys **Richard Samuels** and **William Zorn** will be among the presenters. For more information or to register, contact the NHBA at (603) 224-6942 or visit <http://www.legalspan.com/nhbar>.

Thu., March 25, 2010 - "**Evidence and Expert Testimony Best Practices: Supporting Your Case**," sponsored by the National Business Institute, will be held at the Executive Court Banquet Center in Manchester, NH. McLane attorney **Bruce Felmly** will be among the presenters. Call NBI at 1-800-930-6182 or visit www.nbi-sems.com for more information or to register.

Fri., March 26, 2010 - "**Explore the Fundamentals of Basic Estate Planning**," sponsored by the NH Bar Association, will be held from 9:00 a.m. to 4:30 p.m. at the NH Bar Association Seminar Room in Concord, NH. McLane attorneys **Alexandra Breed** and **Bob Wells** will be among the presenters. For more information or to register, contact the NHBA at (603) 224-6942 or visit <http://www.legalspan.com/nhbar>.

Thu., April 1, 2010 - "**A Year in Review—The Hottest Issues in Employment Law**," sponsored by the McLane Law Firm, will be an all-day seminar held at the Sky Meadow Country Club, Nashua, NH. The **McLane Employment Practice Group** will be providing an update on all the hottest topics in employment law. For more information or to register, contact Sandi Provencher at sandi.provencher@mclane.com or (603) 628-1497.

Thu., April 8, 2010 - "**Selling Your Business: What You Should Be Doing Now**," sponsored by the McLane Law Firm and Tully & Holland, will be held at the TradeCenter 128 in Woburn, MA. McLane attorneys **Steve Burke** and **Mike Tule** will be among the presenters. For more information or to register, contact Heather Wolcott at heather.wolcott@mclane.com or (603) 628-1482.

Fri., April 09, 2010 - "**9th Annual Labor & Employment Law Update**," sponsored by the NH Bar Association, will be held from 9:00 a.m. to 4:30 p.m. at the NH Bar Association Seminar Room in Concord, NH. McLane attorney **Linda Johnson** will be among the presenters. For more information or to register, contact the NHBA at (603) 224-6942 or visit <http://www.legalspan.com/nhbar>.

Thu., April 15, 2010 - "**Negotiating Real Estate Loan Terms and Workout Options**," sponsored by the National Business Institute, will be held from 9:00 a.m. to 4:30 p.m. at the Radisson in Manchester, NH. McLane attorney **Joe Foster** will be among the presenters. Call NBI at 1-800-930-6182 or visit www.nbi-sems.com for more information or to register.

For more information by telephone, call (603) 625-6464.